

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MAURICE TODD,	:	CIVIL NO. 1:CV-13-0579
Plaintiff,	:	
	:	(Judge Kane)
v.	:	
	:	
RONNIE R. HOLT, <u>et al.</u>,	:	
Defendants	:	

ORDER

AND NOW, this 24th day of April 2014, in accordance with the accompanying

Memorandum, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Plaintiff's motion for the appointment of counsel (Doc. No. 30) is **denied without prejudice**.
2. Defendants' motion to dismiss and/or, in the alternative, for summary judgment (Doc. No. 17) is **granted in part and denied in part**.
3. The motion to dismiss is **granted to the extent that** all claims set forth against Defendant Holt are dismissed in their entirety. The motion is **denied in all other respects**. Within ten (10) days, Plaintiff may file an amendment to his complaint for the sole purpose of attempting to demonstrate physical injury. The failure to do so will result in the dismissal of his request for compensatory damages in this action.
4. The motion for summary judgment is **granted with respect to** Plaintiff's Eighth Amendment claim. The motion is **denied in all other respects**.
5. Within twenty (20) days, Defendants shall file an answer with respect to all claims remaining in this action.

S/ Yvette Kane
YVETTE KANE, District Judge
Middle District of Pennsylvania